
By: **Delegates Redmer and Baldwin**
Introduced and read first time: February 9, 2001
Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Land Preservation - Termination of Easement**

3 FOR the purpose of removing a certain time limit that a landowner is required to wait
4 before requesting review for possible termination of an easement; authorizing
5 the Maryland Agricultural Land Preservation Foundation to conduct an inquiry
6 to determine whether to terminate an easement upon the request of a
7 landowner within a certain time limit; and generally relating to the termination
8 of land preservation easements.

9 BY repealing and reenacting, without amendments,
10 Article - Agriculture
11 Section 2-514(a) and (g)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2000 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Agriculture
16 Section 2-514(b) and (c)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Agriculture**

22 2-514.

23 (a) It is the intent of the General Assembly that the easement purchased
24 under this subtitle be held by the Foundation for as long as profitable farming is
25 feasible on the land under easement, and an easement may be terminated only in the
26 manner and at the time specified in this section.

1 (b) At any time after [25 years from] the date of purchase of an easement, the
2 landowner may request that the easement be reviewed for possible termination of the
3 easement.

4 (c) (1) Upon a request for review of an easement for termination AFTER 25
5 YEARS FROM THE DATE OF PURCHASE OF AN EASEMENT, [an inquiry shall be
6 conducted by] the Foundation SHALL CONDUCT AN INQUIRY to determine the
7 feasibility of profitable farming on the subject land.

8 (2) IF A LANDOWNER REQUESTS REVIEW BEFORE 25 YEARS FROM THE
9 DATE OF PURCHASE OF AN EASEMENT, THE FOUNDATION MAY CONDUCT AN
10 INQUIRY TO DETERMINE THE FEASIBILITY OF PROFITABLE FARMING ON THE
11 SUBJECT LAND.

12 (3) The inquiry shall be concluded and a decision reached by the
13 Foundation within 180 days after the request for termination, and shall include:

14 [(1)] (I) On-site inspection of the subject land; AND

15 [(2)] (II) A public hearing conducted by the Foundation board within the
16 county containing the subject land after adequate public notice.

17 (g) If the request for termination is denied, or if the landowner fails to
18 repurchase the easement within 180 days of the appraisal, the landowner may not
19 again request termination of the easement until five years after his last request for
20 termination.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2001.